

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WARREN EASLEY,	}	
	}	No. 1:21-cv-00251-SPB-RAL
Plaintiff,	}	
	}	Judge Baxter
vs.	}	
	}	Magistrate Judge Lanzillo
JOHN WETZEL, <i>Secretary of Department of</i>	}	
<i>Corrections</i> ; ET AL.,	}	
	}	<i>Electronically Filed.</i>
Defendants.	}	

**CORRECTIONS DEFENDANTS’
RESPONSE TO PLAINTIFF’S MOTIONS [ECF 75, 77]**

AND NOW, come the defendants, Wetzel, Oberlander, Sawtelle, Adams, Blich, Mongelluzzo, Gill, Beatty, Fajbik, Ferguson, Wright, Caltagarone, Hill, Smith, Bell, Brown, Larson, Deal, Irwin, Haggerty, Weaver, Seaholtz, Hiler, Haag, Smith, McGill, Rankin, Ferdarko, Prinkley, Smith, Shaffer, Klemm and Dittman (“the Corrections Defendants”), by their attorneys, Scott A. Bradley, Senior Deputy Attorney General, and Karen M. Romano, Chief Deputy Attorney General, and respectfully submit the following response to Plaintiff’s Motion to order defendants to properly investigate the possibility of decedent Scott A. Gatto, will or beneficiary [ECF 75] and Motion to Compel [ECF 77]:

1. Warren Easley (“Plaintiff”) is a prisoner in the custody of the Pennsylvania Department of Corrections (“DOC”); he is presently confined at the State Correctional Institution at Houtzdale (“SCI-Houtzdale”).

2. Plaintiff initiated this *pro se* civil rights action on September 8, 2021, by filing a Motion for Leave to Proceed *in forma pauperis*. See [ECF 1].

3. Plaintiff was granted *in forma pauperis* status, see [ECF 8], and the Complaint [ECF 9] was docketed on November 29, 2021.

4. The Corrections Defendants waived service, see [ECF 33], and filed their Answer [ECF 63] on September 16, 2022.

5. The Court thereafter entered a Case Management Order [ECF 64] on September 22, 2022, setting, *inter alia*, a deadline for discovery.

6. On November 18, 2022, Plaintiff's Motion to Compel was docketed at [ECF 69]. This motion sought responses to Plaintiff's various requests for discovery, indicating that he had not received any responses to date.

7. The Corrections Defendants responded to this motion on November 29, 2022. See [ECF 72].

8. Therein, undersigned counsel represented that efforts had been made to obtain the various documents requested and secure answers from the several and various defendants to whom interrogatories had been interposed and the responses would be submitted.

9. A production was subsequently made; however, Plaintiff was advised that it was incomplete because several of the defendants had not yet responded.

10. Plaintiff has now filed another Motion to Compel [ECF 77].

11. The Court has directed a response, to be filed by March 3, 2023. See Text Order [ECF 79] and Text Order [ECF 81].

12. Within the Order directing a response to Plaintiff's Motion to Compel [ECF 77], the Court also directed that the Corrections Defendants respond to Plaintiff's Motion to order defendants to properly investigate the possibility of decedent Scott A. Gatto, will or beneficiary [ECF 75].

13. Initially, with regard to Plaintiff's motion regarding the estate of Scott A. Gatto, undersigned counsel has contacted Forest County and has been advised that there has been no

estate opened for this individual. The only other information undersigned counsel has with respect to this matter is that Mr. Gatto was survived by his spouse.

14. With regard to the Motion to Compel, it appears that another production should be sent to Plaintiff shortly to address the outstanding requests.

15. Further, undersigned counsel will again review the file to ensure that responses to all of Plaintiff's requests have been provided.

16. Undersigned counsel again apologizes to Plaintiff for any delay in providing responses to Plaintiff's requests. However, given the number of defendants involved in this case, including several of whom are no longer employed with DOC, it has taken longer than anticipated to obtain responses.

WHEREFORE, it is respectfully requested that this Court accept the foregoing response to Plaintiff's Motion to order defendants to properly investigate the possibility of decedent Scott A. Gatto, will or beneficiary [ECF 75] and Motion to Compel [ECF 77].

Respectfully submitted,

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Date: March 3, 2023

s/ Scott A. Bradley
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